

Amendments to the drawings:

Attached hereto are replacement drawings sheets containing Figs. 1, 2, 4 and 5. Figs. 1, 2, 4 and 5 have been amended to add labels to the box elements.

REMARKS

The present amendment is submitted in response to the Office Action dated June 28, 2005, which set a three-month period for response, making this amendment due by September 28, 2005.

Claims 1-19 are pending in this application.

In the Office Action, the drawings were objected to as not including appropriate labels for box elements in Figs. 4 and 5 and elements 21, 44, 46, and 48. The specification was objected to for various informalities. Claims 1, 2, 4, 5, 7-15, and 17-19 were objected 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,211,662 to Bijawat et al. Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bijawat et al in view of U.S. Patent Publication No. 2001/024126 to Spori et al.

The Applicants note with appreciation the allowance of claims 6 and 16, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In this amendment, the drawings have been amended to add the requested labels to the box elements of Figs. 1, 2, 4, and 5.

The specification was amended to add standard headings and to delete reference to the claims.

Looking now at the substantive rejections, the Applicants respectfully disagree that the patent to Bijawat et al anticipates the present invention as defined in claims 1, 2, 4, 5, 7-15 and 17-19.

The present invention as defined in the claims relate to a method for locating objects enclosed in a medium, in which a detection signal is generated by at least one capacitive sensor device, the detection signal penetrating the medium that is to be analyzed in such a way that information is obtained about the objects that are enclosed in the medium by evaluating the detection signal, particularly by measuring impedance. For evaluation of the detection signal, an algorithm is used that separates the measured signal into signal parts originating from the enclosing medium and signal parts originating from the object enclosed in the medium.

This type of separation of the detected measured signal into signal parts, which originate from the enclosing medium and signal parts originating from the object enclosed in the medium is not disclosed or suggested by Bijawat.

While Bijawat may disclose a measuring device for locating objects enclosed in a medium, this reference fails to disclose the use of an impedance measurement for obtaining information about an object enclosed in a medium. The text cited by the Examiner (column 7, lines 20-30) does not disclose any impedance measurement. Impedance measurement is the measurement of a complex resistance; that is, the value as well as the phase of a resistance is measured. This is not disclosed by Bijawat in the portion of the text cited by the Examiner.

Further, the Applicants submit that there is no explanation provided in the Office Action as to why the Examiner has interpreted this reference to disclose that the device performs an impedance measurement.

In addition, the Examiner argues that Bijawat disclosed in column 3, lines 43-61 that for the evaluation of the detection signal, an algorithm is used, which separates the measured signal into signal parts originating from the enclosing medium and signal parts originating from the object enclosed in the medium.

Again, the Applicants respectfully disagree that the cited portion of the Bijawat reference discloses this feature. This portion of Bijawat discloses only that a plurality of sensor elements 38, 40, and 42 are disposed in the housing of the sensor 10, which make possible localizing of different types of enclosed objects. Thus, for example, one sensor element 38 is provided for detection of current-carrying wires one sensor element 40 is provided for detecting the presence of metal objects behind a surface, and one sensor 42 is provided for detecting studs, which are made of wood for example.

Bijawat provides absolutely no disclosure or suggestion that a measured signal measured with this type of sensor is broken down into a measured signal which is produced by the enclosed object itself, for example, a metal line, and a part that is produced by the enclosing medium, for example, the wall.

Because claim 1 recites features that clearly are not disclosed or even suggested by the Bijawat reference, the rejection under 35 U.S.C. 102 must be withdrawn. A prior art reference anticipates a claim only if the reference discloses every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) (quoting *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986)).

Therefore, claim 1, along with its dependent claims 2-12 are patentable over this reference.

Claim 13 defines a measurement device for performing the method of claim 1. Claim 13 also is patentable over the Bijawat reference on the same grounds set forth above with regard to claim 1.

For the reasons set forth above, the Applicants respectfully submit that claims 1-19 are patentable over the cited art. The Applicants further request withdrawal of the rejections under 35 U.S.C. 102 and 103.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700